

### REMARKS

The above preliminary amendments and following remarks are submitted in accordance with a Request for Continued Examination filed on even date and in response to the Final Official Action of the Examiner mailed on September 7, 2005. This PRELIMINARY AMENDMENT is filed in response to that Office Action.

Five claims (that is, Claims 1-5) are pending. All of those claims are subject to rejection in the Office Action. The examiner has rejected Claims 1-5 under 35 U.S.C. § 103(a). It is the examiner's position that those claims are obvious, given the teachings of United States Patent No. 6,363,138 (Aprile), in view of the teachings of United States Patent No. 5,161,180 (Chavous).

In response to the Office Action, Applicant hereby amends his application. A number of minor amendments have been made to polish up Claim 1. For example, it is felt that defining the relationship between the information storage unit of element (a) as being "interposed in" the local communications network rather than as being "associate with" that network is more appropriate. Further, however, element (a) has been amended to define the indicia as being able to be transmitted and properly routed when emergency circumstances occur, immediately upon initiation of an emergency message. This limitation is an important feature of the present invention and clearly renders the present invention distinguishable over the prior art.

With the invention of Claim 1, when an emergency call is placed, immediate transmission and proper routing of indicia when emergency circumstances occur result. This immediate transmission is extremely significant to the invention since slower transmission and improper routing, which can occur with prior art systems, can mean the difference between life and death. The immediate transmission of the implementation information, as provided by the present invention, enables the proper setting up and routing of the

phone call. The EMP in accordance with the present invention allows key routing functionality of the 9-1-1 network to occur.

The Aprile reference, on the other hand, does nothing when an emergency message call is placed. The disclosure of that reference is limited to updating information as to various transmission locations. The teachings of Aprile are limited to conducting activity well in advance of the placement of a call. The key functionality required by a 9-1-1 system as to routing at the time a call is placed is not addressed by Aprile.

The Chavous reference, on the other hand, does discuss transmission of an emergency message to the proper Public Safety Answering Point (PSAP). Such a transmission, however, is enabled only by the provision of special adjunct or ancillary equipment, corresponding with an initiator at the transmission site, in the emergency system. The adjunct equipment comes into play only after an emergency call has made it through the local communications network and the call is answered. Then and only then does it allow for communication. Again, ancillary or adjunct equipment in the emergency system is required with Aprile.

The present invention, on the other hand, is involved with the call. The device, when the call is dialed, provides information that allows the call to work its way through the network to the proper PSAP, and it allows the 9-1-1 system to operate because it is in sync with that system.

Aprile and Chavous do not, however, have anything to do with call setup or call routing. It is in view of these distinctions that it is clear that the present invention, as claimed in Claim 1, is patentably distinct over the prior art. It is sincerely felt that Claim 1, and Claims 2-5 which are dependent upon Claim 1, do, therefore, define patentable subject matter. Allowance of the application and passing of the file for issuance of formal allowance documents are, therefore, earnestly solicited.

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Respectfully submitted,

Martin D. Moody

By his attorney

Date

May 5, 2006

Lawrence M. Nawrocki

Lawrence M. Nawrocki

Reg. No. 29,333

NAWROCKI, ROONEY & SIVERTSON, P.A.

Suite 401, Broadway Place East

3433 Broadway St. N.E.

Minneapolis, MN 55413

**Customer No. 05909**

(612) 331-1464